

UNITED STATES DISTRICT COURT

Middle DISTRICT OF Tennessee

UNITED STATES OF AMERICA
V.
EDGAR RODRIGUEZ

CRIMINAL COMPLAINT

Case Number: 08-2077 MK

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about September 19, 2008 in Davidson County, in the Middle District of Tennessee and elsewhere defendant(s) did,

(Track Statutory Language of Offense)

move and travel in interstate and foreign commerce from Nashville, State of Tennessee, through other states to Mexico, with the intent to avoid prosecution under the laws of the State of Tennessee, for a crime punishable by death or which is a felony under the laws of the State of Tennessee, to wit: Criminal Homicide of Vinod Jethalal Shah in violation of Tennessee Code Annotated 39-13-201.

in violation of Title 18 United States Code, Section(s) 1073.

I further state that I am a(n) Special Federal Officer/S.D. U.S. Marshal and that this complaint is based on the following facts:

Official Title

See attached Statement of Keith M. Sutherland in Support of Complaint

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Keith M. Sutherland
Signature of Complainant

Keith M. Sutherland
Printed Name of Complainant

Sworn to before me and signed in my presence,

10/31/2008
Date

at Nashville, Tennessee
City State

E. Clifton Knowles U.S. Magistrate Judge
Name of Judge Title of Judge

E. Clifton Knowles
Signature of Judge

STATEMENT OF KEITH M. SUTHERLAND
IN SUPPORT OF COMPLAINT
(U.S. v. EDGAR RODRIGUEZ)
(Unlawful Flight to Avoid Prosecution for Criminal Homicide)

I, Keith M. Sutherland, being duly sworn, do hereby state the following:

1. I have been in law enforcement for over fifteen (15) years. I am currently a detective with Metropolitan Nashville Police Department (MNPd) and am currently assigned to the Federal Bureau of Investigation (FBI) Violent Crimes/Gang Task Force (VCGTF) in Nashville, Tennessee (TN). I am currently deputized as a Special Federal Officer/Special Deputy United States Marshal. One of my duties is to investigate federal criminal violations and related matters under Title 18, United States Code (USC), occurring in the Middle District of Tennessee.
2. The facts contained in this complaint are based on firsthand knowledge or information learned during this investigation from other law enforcement sources, or witnesses related to the homicide investigation conducted by the MNPd, and the subsequent investigation regarding the suspect's flight to avoid prosecution for said homicide. The complaint does not provide each and every detail known by your affiant regarding this investigation, but rather provides information necessary to establish probable cause for the offense. Except where indicated, all statements referred to below are set forth in substance and in part, rather than verbatim.
3. Title 18, United States Code, Section 1073, Unlawful Flight to Avoid Prosecution, makes it an offense for a person to move or travel in interstate or foreign commerce with intent to avoid prosecution, under the laws of the place from which he flees, for a crime or an attempt to commit a crime, punishable by death or

which is a felony under the laws of the place from which the fugitive flees.

4. On Friday, September 19, 2008, at approximately 10:36 a.m., two unknown males (suspects) entered the Discount Beer Market, 15116 Old Hickory Boulevard, Nashville, Tennessee. The owner of the Discount Beer Market, Vinod Jethalal Shah (Shah), and his wife Ramila Shah (Ramila), were working at this time. Ramila was unaware that said two suspects had entered the market, and was in the rear of the market on the telephone.
5. As Ramila was on the telephone, she heard a single gunshot. After hearing the gunshot, she heard her husband yell. She ran to her husband, who told her to call the police. At this time, she saw the aforementioned two suspects run out of the market. She was able to telephonically contact the Emergency Communications Center Dispatcher (ECCD) of the shooting.
6. The ECCD dispatched the MNPd, and the Nashville Fire Department (NFD), who responded. The NFD Paramedics transported Shah to Southern Hills Hospital, 391 Wallace Road, Nashville, Tennessee, for emergency medical treatment. Shortly after transport, he was pronounced dead by medical personnel.
7. Subsequent examination of Shah's body by the Nashville, Davidson County, Medical Examiner's Office, determined his cause of death as Gun Shot Wound.
8. This investigation was deemed a Homicide, and Detective Derry Baltimore was assigned as the lead case investigator.
9. On September 19, 2008, Detective Baltimore interviewed Ramila at Southern Hills Hospital. She advised Detective Baltimore that the market had a video surveillance in place. Said video was provided to Detective Baltimore.


10. Shah ^{was} ~~was~~ also provided Detective Baltimore with a description of the two suspects she saw run from the market directly after her husband was shot. One of the suspects was wearing a white long sleeve shirt, and the other a black short sleeve shirt. Both suspects' faces were covered by bandannas.
11. The surveillance video corroborated Shah's account of her husband's shooting, and showed the suspect wearing the dark short sleeve shirt jump over the counter by placing his hand on an adjacent railing. Taped on said railing was a Middleton Cigar placard advertisement.
12. Pursuant to MNPD policy, a MNPD Investigations officer responded. Said MNPD Identifications officer was directed to photograph the crime scene, and collect evidence pertaining to the crime. The MNPD officer successfully located, and lifted a fingerprint from the Middleton Cigar placard advertisement.
13. This fingerprint was queried in the AFIS database, and was identified as a match to Edgar Rodriguez. Subsequent comparison conducted by a MNPD latent fingerprint examiner also confirmed the aforementioned lifted fingerprint matched said AFIS hit on Edgar Rodriguez.
14. Detective Baltimore was able to locate Edgar Rodriguez's mother, Maria Mandragon (Mandragon). With the assistance of Detective Marvin Rivera, a consensual interview was conducted with Mandragon in Spanish.
15. During this interview, Mandragon was allowed to view printed images from the aforementioned surveillance video. She

positively identified the suspect wearing the black short sleeve shirt as being her son Edgar Rodriguez.

16. With the assistance of Detective Marvin Rivera, a consensual interview was conducted with Mandragon's husband, Benigno Ponce-Tamariz. This interview was also conducted in Spanish.
17. During this interview, Ponce-Tamariz was allowed to view printed images from the aforementioned surveillance video. He positively identified the suspect wearing the black short sleeve shirt as being his wife's son Edgar Rodriguez.
18. Both Mandragon and Ponce-Tamariz advised the MNPD Detectives that on Monday, September 22, 2008, they drove Edgar Rodriguez to a bus depot located at Nolensville Road and Harding Lane, in Nashville, Davidson County, Tennessee. Both Mandragon and Ponce-Tamariz stated that Edgar Rodriguez then boarded a bus to Mexico.
19. On September 26, 2008, Detective Derry Baltimore obtained a warrant against Edgar Rodriguez for Criminal Homicide, Tennessee Code Annotated 39-13-201.
20. All of the aforementioned events occurred in Nashville, Davidson County, located in the Middle District of Tennessee.

21. Based on the forgoing facts, your affiant has probable cause to believe that Edgar Rodriguez has fled the jurisdiction of the United States by travelling to Mexico, for the purpose of avoiding prosecution for his involvement in the homicide of Vinod Jethalal Shah, in violation of Title 18, United States Code, Section 1073, Unlawful Flight to Avoid Prosecution.

Further Affiant Sayeth Not.


KEITH M. SUTHERLAND
Special Federal Officer
Special Deputy U.S. Marshal
Federal Bureau of Investigation

Sworn and subscribed before me this 31st day of October, 2008 at
Nashville, Tennessee


E. CLIFTON KNOWLES
U.S. MAGISTRATE JUDGE